UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,936	08/21/2003	Daisuke Shinohara	NIT-391	7378

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EXAMINER
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ART UNIT	PAPER NUMBER
2141	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/644,936	SHINOHARA ET AL.
	Examiner	Art Unit	
	Ranodhi Serrao	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _01 August 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _26-29,31,32 and 38-40_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _26-29, 31-32, and 38-40_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 26-29, 31-32, and 38-40 have been considered but are moot in view of the new ground(s) of rejection.

2.   The applicant argued in substance the newly added limitations of independent claims 26, 31, and 38. However, the new grounds teach these and the added features. See rejections below.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Earl et al. (6,112,228). Earl et al. teach a computer system comprising: a management computer storing a first program (col. 1, line 54-col. 2, line 9); one or more devices coupled to said management computer via a network and storing a second program (col. 3, lines 49-64); and a first computer coupled to said management computer via the network (col. 3, line 65-col. 4, line 12), wherein said one or more devices and said second program are not disclosed to said first computer (col. 4, lines 13-23); wherein said management computer: stores association information related to an association between said first

program and said second program (col. 6, line 12-col. 7, line 4), receives, from said first

computer, a first request for executing said first program (col. 5, lines 49-64);

determines whether or not said first program corresponds to said second program on

the basis of said association (col. 7, lines 52-67), executes said first program and sends

a second request to said one or more devices when said first program corresponds to

said second program, said second request including instructions to execute said second

program (col. 7, lines 36-51), receives execution results produced by the execution of

said second program from one or more of said devices (col. 5, lines 49-64), uses the

execution results of the second program to generate a response from execution of said

first program, and sends to said first computer the response generated from execution

of said first program incorporating the execution results of the second program in reply

to said first request; wherein said one or more devices receive said second request,

execute said second program and send the execution results to said management

computer without disclosure to the first computer of said one or more devices or said

second program (col. 5, line 65-col. 6, line 11).

Claim Rejections - 35 USC § 103

5.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

6.   Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Earl et

al. as applied to claim 26 above, and further in view of Dutta et al. (2003/0050966). Earl

et al. teaches the claimed limitations of claim 26 above, but fails to teach a computer

system, further comprising: a second computer coupled to said management computer, one or more devices, and said first computer via the network, wherein: said second computer collects a plurality of location information related to locations where said first program or said second program are stored, stores said plurality of location information with both said first program and said second program, and generates said association information. However, Dutta et al. teaches a computer system, further comprising: a second computer coupled to said management computer, one or more devices, and said first computer via the network, wherein: said second computer collects a plurality of location information related to locations where said first program or said second program are stored, stores said plurality of location information with both said first program and said second program, and generates said association information (see Dutta et al., ¶ 47). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Earl et al. to a computer system, further comprising: a second computer coupled to said management computer, one or more devices, and said first computer via the network, wherein: said second computer collects a plurality of location information related to locations where said first program or said second program are stored, stores said plurality of location information with both said first program and said second program, and generates said association information in order to allow a node to indicate an alternate manner for fulfilling a download request if the node determines that its response characteristics would be inadequate if it attempted to fulfill a new download request (see Dutta et al., ¶ 11).

7.   Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Earl et

al. and Dutta et al. Earl et al. teaches a computer system comprising: a management

computer storing a first program (see Earl et al., col. 1, line 54-col. 2, line 9); one or

more devices coupled to said management computer via a network and storing a

second program (see Earl et al., col. 3, lines 49-64); a first computer coupled to said

management computer via the network (see Earl et al., col. 3, line 65-col. 4, line 12);

wherein said one or more devices and said second program are not disclosed to said

first computer (see Earl et al., col. 4, lines 13-23), and generates association information

related to a dependency association between said first program and said second

program (see Earl et al., col. 7, lines 5-16), wherein said management computer:

receives, from said first computer, a first request for executing said first program (see

Earl et al., col. 5, lines 49-64), determines whether or not said first program corresponds

to said second program on the basis of said association information (see Earl et al., col.

7, lines 52-67), executes said first program and sends a second request to said one or

more devices when said first program corresponds to said second program, said

second request including instructions to execute said second program (see Earl et al.,

col. 7, lines 36-51), receives execution results produced by the execution of said second

program from one or more of said devices (see Earl et al., col. 5, lines 49-64), uses the

execution results of the second program to generate a response from execution of said

first program, and sends the response generated by said first program to said first

computer in reply to said first request, wherein said one or more devices receive said

second request, execute said second program and send the execution results to said

management computer without disclosure to the first computer of said one or more devices or said second program (see Earl et al., col. 5, line 65-col. 6, line 11). But fails to teach a second computer coupled to said management computer, said one or more devices, and said first computer via the network, wherein said second computer collects location information related to locations where said first program and said second program are stored, stores said plurality of location information with both said first program and said second program. However, Dutta et al. teaches a second computer coupled to said management computer, said one or more devices, and said first computer via the network, wherein said second computer collects location information related to locations where said first program and said second program are stored, stores said plurality of location information with both said first program and said second program (see Dutta et al., ¶ 47). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Earl et al. to a second computer coupled to said management computer, said one or more devices, and said first computer via the network, wherein said second computer collects location information related to locations where said first program and said second program are stored, stores said plurality of location information with both said first program and said second program in order to allow a node to indicate an alternate manner for fulfilling a download request if the node determines that its response characteristics would be inadequate if it attempted to fulfill a new download request (see Dutta et al., ¶ 11).

8.   Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Dutta et al. and Earl et al. as applied to claims 26 and 27 above, and further in

view of Abdelaziz et al. (2003/0041141).

9.   As per claim 28, Dutta et al. and Earl et al. teach the mentioned limitations of

claims 26 and 27 above, but fail to teach a computer system, wherein said association

information is a hierarchy information indicating whether said first program is are of a

higher level than said second program associated with said first program. However,

Abdelaziz et al. teaches a computer system, wherein said association information is a

hierarchy information indicating whether said first program is are of a higher level than

said second program associated with said first program (see Abdelaziz et al., ¶ 254-

257). It would have been obvious to one having ordinary skill in the art at the time of the

invention to modify Dutta et al. and Schmidt to a computer system, wherein said

association information is a hierarchy information indicating whether said first program

is are of a higher level than said second program associated with said first program in

order to provide information about the programming interface and functionality of the

software modules independently of protocols and behaviors that may be used to

implement the software modules (see Abdelaziz et al., ¶ 253).

10.   As per claim 29, Dutta et al., Abdelaziz et al., and Earl et al. teach the mentioned

limitations of claims 26, 27, and 28 above, but Dutta et al. and Earl et al. fail to teach a

computer system, wherein said second computer determines which program of said first

or second programs is of a higher level than its associated program on the basis of said

hierarchy information, and sends, to said first computer, a location of the program which

is a higher level than its associated program. However, Abdelaziz et al. teaches a computer system, wherein said second computer determines which program of said first or second programs is of a higher level than its associated program on the basis of said hierarchy information, and sends, to said first computer, a location of the program which is a higher level than its associated program (see Abdelaziz et al., ¶ 116). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Dutta et al. and Earl et al. to a computer system, wherein said second computer determines which program of said first or second programs is of a higher level than its associated program on the basis of said hierarchy information, and sends, to said first computer, a location of the program which is a higher level than its associated program in order to provide information about the programming interface and functionality of the software modules independently of protocols and behaviors that may be used to implement the software modules (see Abdelaziz et al., ¶ 253).

11.   Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Earl et al. and Schmidt (5,768,524). Earl et al. teaches a management computer comprising: a network interface to be coupled to one or more devices and a first computer via a network, said one or more devices not being disclosed to said first computer (see Earl et al., col. 3, line 65-col. 4, line 12); a processor coupled to said network interface; a memory coupled to said processor; wherein said memory stores a first program which is a target of a request from the first computer and said memory further stores association information regarding said first program and a second program which is stored in said

one or more devices (see Earl et al., col. 6, line 12-col. 7, line 4), wherein said

processor receives, via said network interface, a request from said first computer for

executing said first programs, refers to said association information to determine

whether said first program as a target to be executed is associated with said second

program (see Earl et al., col. 7, lines 52-67), wherein, when said first program as a

target to be executed is associated with said second program, said processor executes

said first program and sends to said one or more devices via said network interface, an

instruction for executing said second program in said one or more devices (see Earl et

al., col. 7, lines 36-51), receives execution results produced by the executed second

program via said network interface via the network, uses the execution results to

generate a response, and sends, to said first computer, the response as a reply of said

request, said one or more devices and said second program remaining undisclosed to

said first computer (see Earl et al., col. 5, lines 49-64). But fails to teach wherein the

second program executed manages hardware and software resources of the plurality of

devices, and the first program executed provides information about the resources of the

plurality of devices to the first computer. However, Schmidt teaches wherein the second

program executed manages hardware and software resources of the plurality of

devices, and the first program executed provides information about the resources of the

plurality of devices to the first computer (see Schimdt, col. 4, line 53-col. 5, line 14). It

would have been obvious to one having ordinary skill in the art at the time of the

invention to modify Earl et al. to wherein the second program executed manages

hardware and software resources of the plurality of devices, and the first program

executed provides information about the resources of the plurality of devices to the first

computer in order to allow clients to register for events without the need to specify the

destination of the request for registration (see Schmidt, col. 2, lines 18-29).

12.   Claims 32, 39, and 40 have similar limitations as to claims 26-29, 31, and 38

above; therefore, they are being rejected under the same rationale.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-

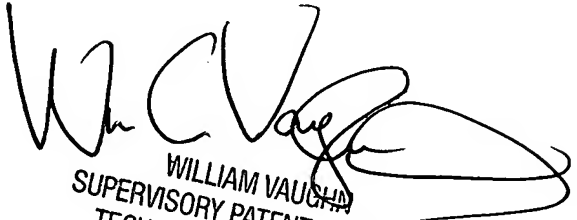7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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R.N.S.

9/10/2007

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